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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

14	TIMOTHY GUY PICQUELLE,	)	SA	Case No. CV 06-00887 DDP(PJW)
15	Petitioner,	)		
16	v.	)		<b>ORDER REQUESTING CLARIFICATION ON</b>
17	THE PEOPLE OF THE STATE OF	)		<b>SIGNATURE OF HABEAS PETITION</b>
18	CALIFORNIA,	)		
19	Respondent.	)		
20	_____	)		

Petitioner Timothy Picquelle, who appears pro se, filed a habeas petition on September 21, 2006; however his father Kenneth Picquelle appears to have prepared and possibly signed the petition on his behalf. This Court asks for a clarification as to why it seems as though petitioner Timothy Picquelle did not sign his habeas petition.

1 An application for a writ of habeas corpus "shall be in  
2 writing signed and verified by the person for whose relief it is  
3 intended or by someone acting on his behalf." 28 U.S.C. § 2242.  
4 The United States Supreme Court has determined that an individual  
5 is authorized to sign on behalf of a petitioner seeking relief if  
6 that individual establishes "next friend" standing. Whitmore v.  
7 Arkansas, 495 U.S. 149, 163 (1990). The two requirements for "next  
8 friend" standing are: 1) that the next friend provide "an adequate  
9 explanation-such as inaccessibility, mental incompetence, or other  
10 disability-why the real party in interest cannot appear on his own  
11 behalf to prosecute the action;" and 2) that the next friend "be  
12 truly dedicated to the best interests of the person on whose behalf  
13 he seeks to litigate" with a suggestion that "a next friend must  
14 have some significant relationship with the real party in  
15 interest." Vargas v. Lambert, 159 F. 3d, 1161, 1166 (9th Cir. 1998)  
16 (citing Whitmore at 163-164). Furthermore, the burden is "on the  
17 next friend clearly to establish the propriety of his status and  
18 thereby justify the jurisdiction of the court." Id. .

19 This Court requests that petitioner Timothy Picquelle offer  
20 some explanation as to why his signature does not seem to appear on  
21 the habeas petition. Alternatively, the Court requests that the  
22 plaintiff's father, Kenneth Picquelle, establish "next friend"  
23 standing or offer any other explanation as to why he apparently  
24 signed the petition on behalf of his son. The petitioner or his  
25 father shall submit this supplemental material on or before August  
26 29, 2008. The Respondent may submit a response on or before  
27 September 8, 2008. The parties should also deliver a courtesy copy  
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1 to chambers, Room 244-J, Second Floor, 312 N. Spring Street, Los  
2 Angeles.

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5 IT IS SO ORDERED.

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8 Dated: July 15, 2008

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A handwritten signature in cursive script, reading "Dean D. Pregerson".

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DEAN D. PREGERSON  
United States District Judge